

21 C.J.S. Courts § 65

Corpus Juris Secundum | May 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

II. Jurisdiction of Courts

E. Mode of Acquiring Jurisdiction

1. In General

§ 65. Compliance with prescribed jurisdictional procedures as general mode of acquiring jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  21

Procedures and methods recognized or prescribed by law must be followed in order for the court to obtain jurisdiction.

A court's subject matter jurisdiction lies dormant until the court is called upon to exercise it by some sort of initiating procedural mechanism, such as a pleading, complaint, or information, and at that point, the court acquires jurisdiction in the limited sense of procedurally having the authority to proceed and exercise its jurisdiction in a particular case.¹ Active jurisdiction does not exist until an action or proceeding is commenced and pending.² Observance of the essential requisites of jurisdiction is required to confer on a court active jurisdiction, meaning the authority of the court to adjudicate the merits of the case, as opposed to potential jurisdiction, meaning the authority to adjudicate ancillary issues.³ The rules of civil procedure cannot extend or limit the court's

jurisdiction even though the rules may establish the proper method of invoking the jurisdiction of the court in particular cases.⁴

Compliance with required jurisdictional procedures is required in order for the court to obtain jurisdiction,⁵ and where jurisdiction is conferred by a constitutional provision⁶ or statute, compliance with the terms is required before a court can acquire jurisdiction,⁷ as where the language of the statute is prohibitory or mandatory⁸ or exclusive.⁹ The courts' enforcement of compliance, however, does not support the addition of requirements beyond the express language of the authorization.¹⁰ Statutory procedures not clearly stated as jurisdictional requirements are not jurisdictional and do not affect the court's power to exercise jurisdiction,¹¹ and not all defects in statutory procedure affect the court's competency to proceed.¹² State courts may require substantial compliance or satisfaction of the spirit of the procedural requirements before they will exercise jurisdiction.¹³

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

- 1 Wyo.—CSC Group Holdings, LLC v. Automation & Electronics, Inc., 2016 WY 26, 368 P.3d 302 (Wyo. 2016).
Filing of pleading necessary to invoke jurisdiction
Ala.—Ex parte C.E., 91 So. 3d 687 (Ala. 2011).
Mo.—Epstein v. Villa Dorado Condominium Ass'n, Inc., 316 S.W.3d 457 (Mo. Ct. App. E.D. 2010).
Wyo.—Brown v. City of Casper, 2011 WY 35, 248 P.3d 1136 (Wyo. 2011).
Procedural acts subject one to jurisdiction
Utah—Weber County v. Ogden Trece, 2013 UT 62, 321 P.3d 1067 (Utah 2013).
Presented controversy invokes court's jurisdiction
N.C.—In re Officials of Kill Devil Hills Police Dept., 223 N.C. App. 113, 733 S.E.2d 582 (2012).
- 2 Kan.—Mangus v. Stump, 45 Kan. App. 2d 987, 260 P.3d 1210 (2011).
N.C.—In re Officials of Kill Devil Hills Police Dept., 223 N.C. App. 113, 733 S.E.2d 582 (2012).
- 3 Va.—Whitt v. Com., 61 Va. App. 637, 739 S.E.2d 254 (2013).
- 4 Wyo.—CSC Group Holdings, LLC v. Automation & Electronics, Inc., 2016 WY 26, 368 P.3d 302 (Wyo. 2016).
- 5 Cal.—People v. Medina, 171 Cal. App. 4th 805, 89 Cal. Rptr. 3d 830 (1st Dist. 2009), as modified on other grounds, (Mar. 10, 2009).
Fla.—Laura M. Watson, P.A. v. Stewart Tilghman Fox & Bianchi, P.A., 162 So. 3d 102 (Fla. 4th DCA 2014).

Utah.—Weber County v. Ogden Trece, 2013 UT 62, 321 P.3d 1067 (Utah 2013).

Va.—Whitt v. Com., 61 Va. App. 637, 739 S.E.2d 254 (2013).

Wash.—Buecking v. Buecking, 179 Wash. 2d 438, 316 P.3d 999 (2013), cert. denied, 135 S. Ct. 181, 190 L. Ed. 2d 129 (2014).

Wyo.—CSC Group Holdings, LLC v. Automation & Electronics, Inc., 2016 WY 26, 368 P.3d 302 (Wyo. 2016).

6 S.D.—Estate of Ducheneaux v. Ducheneaux, 2015 SD 11, 861 N.W.2d 519 (S.D. 2015).

7 Fla.—Koster v. Sullivan, 160 So. 3d 385 (Fla. 2015), cert. denied, 136 S. Ct. 164, 193 L. Ed. 2d 45 (2015).

La.—Folse v. St. Rose Farms, Inc., 165 So. 3d 104 (La. Ct. App. 5th Cir. 2014).

S.D.—Estate of Ducheneaux v. Ducheneaux, 2015 SD 11, 861 N.W.2d 519 (S.D. 2015).

Tex.—Bank of New York v. Chesapeake 34771 Land Trust, 456 S.W.3d 628 (Tex. App. El Paso 2015), review denied, (June 5, 2015).

Va.—Boatright v. Wise County Dept. of Social Services, 64 Va. App. 71, 764 S.E.2d 724 (2014).

Wash.—Buecking v. Buecking, 179 Wash. 2d 438, 316 P.3d 999 (2013), cert. denied, 135 S. Ct. 181, 190 L. Ed. 2d 129 (2014).

Wis.—Schill v. Wisconsin Rapids School Dist., 2010 WI 86, 327 Wis. 2d 572, 786 N.W.2d 177, 258 Ed. Law Rep. 735 (2010).

8 Va.—Boatright v. Wise County Dept. of Social Services, 64 Va. App. 71, 764 S.E.2d 724 (2014).

9 S.D.—Estate of Ducheneaux v. Ducheneaux, 2015 SD 11, 861 N.W.2d 519 (S.D. 2015).

Tex.—Bank of New York v. Chesapeake 34771 Land Trust, 456 S.W.3d 628 (Tex. App. El Paso 2015), review denied, (June 5, 2015).

10 Fla.—Koster v. Sullivan, 160 So. 3d 385 (Fla. 2015), cert. denied, 136 S. Ct. 164, 193 L. Ed. 2d 45 (2015).

No authority for jurisdictional rules

Kan.—In re Protest of Rakestraw Bros., L.L.C., 50 Kan. App. 2d 1038, 337 P.3d 62 (2014).

11 U.S.—Brown v. Whole Foods Market Group, Inc., 789 F.3d 146 (D.C. Cir. 2015).

Tex.—Texas Underground, Inc. v. Texas Workforce Com'n, 335 S.W.3d 670 (Tex. App. Dallas 2011).

12 Colo.—People ex rel. N.D.V., 224 P.3d 410 (Colo. App. 2009).

Kan.—In re Protest of Rakestraw Bros., L.L.C., 50 Kan. App. 2d 1038, 337 P.3d 62 (2014).

13 Wash.—Probst v. Department of Labor and Industries, 155 Wash. App. 908, 230 P.3d 271 (Div. 2 2010).